

SENATOR MATZKE: Strictly speaking, no. It's not part of the rules of evidence.

SENATOR CHAMBERS: All right. Okay.

SENATOR MATZKE: The rules of evidence do not apply in a preliminary hearing.

SENATOR CHAMBERS: I don't think I'm making the question clear, but let me ask you this question. Do you think the rules of evidence should be placed into the constitution? Do you think the rules...

SENATOR MATZKE: They probably are by implication anyhow. It is a due process matter.

SENATOR CHAMBERS: Well, actually not, not all rules of evidence relate to that. I'm asking you, should the specific rules of evidence be placed into the constitution?

SENATOR MATZKE: Certainly not, they are statutory.

SENATOR CHAMBERS: Well, if these rights that you're giving to victims are subject to the rules of evidence, although you're talking about a constitutional guarantee, those rights will be dependent on what the rules of evidence say. Isn't that correct?

SENATOR MATZKE: No, those are two separate matters.

SENATOR CHAMBERS: So even though...

SENATOR MATZKE: Rules of evidence are like the rules in a football game that govern what comes in and goes out. That's a different issue than a constitutional right.

SENATOR CHAMBERS: Senator Matzke, are you reading the language with me? I don't think I'm mak...all right, thank you. Members of the Legislature, let me tell you what this language says. These rights, and the language is in this constitutional provision subject to the rules of evidence. The rules of evidence are statutory. So as the rules of evidence change...

SPEAKER WITHEM: One minute.